

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Petition to Revoke Probation)
Against:)**

Joseph Parimal Gurralla, M.D.)

Case No. 800-2017-032908

**Physician's and Surgeon's)
Certificate No. C 128171)**

**Respondent)
_____)**

DECISION

The attached Proposed Decision is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on March 29, 2018.

IT IS SO ORDERED: February 27, 2018.

MEDICAL BOARD OF CALIFORNIA



**Ronald H. Lewis, M.D, Chair
Panel A**

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MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition to Revoke
Probation Against:

JOSEPH PARIMAL GURRALA, M.D.,

Physician and Surgeon's Certificate
No. C 128171

Respondent.

OAH No. 2017091076

Case No. 800-2017-032908

PROPOSED DECISION

This matter was heard before Erin R. Koch-Goodman, Administrative Law Judge, Office of Administrative Hearings, State of California, on December 27, 2017, in Sacramento, California.

Mia Perez-Arroyo, Deputy Attorney General, represented Kimberly Kirchmeyer (complainant), Executive Director, Medical Board of California (Board), Department of Consumer Affairs.

Joseph Parimal Gurralla, M.D. (respondent) appeared and represented himself.

Evidence was received, and the record was held open for seven days for the submission of an original Certification of Licensure from the Board. A copy was provided at hearing and respondent was given an opportunity to object to the copy or a later submitted original. With no objection, the original Certificate of Licensure was submitted by close of business January 3, 2018, and marked and admitted as Exhibit 2. Thereafter, the record was closed and the matter submitted for decision on January 3, 2018.

FACTUAL FINDINGS

1. In 2007, the Virginia Department of Health Professionals issued a Medicine and Surgery License to respondent. Currently, respondent practices medicine in Virginia and resides in Herndon.

2. On October 5, 2012, respondent submitted an application to the Board for a Physician and Surgeon's License in California. In his application, respondent disclosed he had resigned from postgraduate training, was disciplined or placed under investigation, and incident reports were filed by instructors. Respondent also disclosed he had been charged with unprofessional conduct by a medical licensing board, other agency or hospital, and has had a medical license subjected to disciplinary action.

3. On December 11, 2013, the Board and respondent agreed to a Stipulation for a Probationary License, effective December 18, 2013. The Stipulation granted respondent a Probationary Physician and Surgeon's License for a period of three years, with the following conditions: 2 - Medical Recordkeeping Class; 3 - Psychotherapy; 4 - Notification; 5 - Supervision of Physician's Assistants; 6 - Obey All Laws; 7 - Quarterly Declarations; 8 - General Probation Requirements; 9 - Interview with Board or Its Designee; 10 - Non-Practice While on Probation; 11 - Completion of Probation; 12 - Violation of Probation; 13 - License Surrender; and 14 - Probation Monitoring Costs. Relevant here, are Conditions 7 and 10 which provide:

7) QUARTERLY DECLARATIONS. Applicant shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all conditions of probation.

Applicant shall submit quarterly declarations not later than ten (10) calendar days after the end of the preceding quarter.

[¶] . . . [¶]

10) NON-PRACTICE WHILE ON PROBATION.

Applicant shall notify the Board or designee in writing within fifteen (15) calendar days of any periods of non-practice lasting more than thirty (30) calendar days and within fifteen (15) calendar days of applicant's return to practice. Non-practice is defined as any period of time applicant is not practicing medicine in California as define[d] in Business and Professions Code sections 2051 and 2052 for at least forty (40) hours in a calendar month in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All time spent in an intensive training program which has been approved by the Board or its designee shall not be considered non-practice. A Board-order[ed] suspension of practice shall not be considered as a period of non-practice.

Respondent shall obey all federal, state and local laws, all rules governing the practice of medicine in California and remain in

full compliance with any court ordered criminal probation, payments, and other orders.

Because respondent practiced out-of-state, the Board required Semi-Annual Declarations, rather than Quarterly Declarations. The Board required respondent's Semi-Annual Declarations be filed by July 10, for January to June (First Half), and January 10, for July to December (Second Half).

4. On December 19, 2013, the Board issued Physician and Surgeon's Certificate License No. C 128171 to respondent. The license will expire on June 30, 2019, unless renewed.

Compliance With Probationary Terms

5. In December 2013, respondent's case file was assigned to Ann Hutchinson, Board Probation Analyst. On January 2, 2014, respondent signed the Acknowledgement of Decision, and on January 21, 2014, Ms. Hutchinson signed the Acknowledgement on behalf of the Board. The Acknowledgement states:

The Medical Board of California furnished you with a copy of the Decision in case #800-2013-000235 with an effective date of 12/19/2013. The decision places your certificate on probation for 3 years with specified terms and conditions. You must comply with the terms and conditions of probation in order to continue practicing your profession in the State of California.

Your signature in the space provided below acknowledges that you received a copy of said Decision and that I explained all the terms and conditions of your probation to you and addressed any questions you had about the conditions of your probation.

6. On February 20, 2014, respondent sent an email to Ms. Hutchinson, informing her of his new online medical business, mygeneticmd.com, allowing patients to go online and request a physician consultation and genetic testing for weight related conditions. Respondent noted, in part:

As this may represent a change in my practice, I wanted to inform you per the conditions of my probation. I am still residing at the same address in Virginia and am not planning on relocating to California, but I understand that I can see patients in California as long as I'm licensed there, and that this constitutes practicing medicine in California, so I wanted to advise you of this before I saw patients.

On February 24, 2014, Ms. Hutchinson responded by email, stating, in part:

Per your Order, "Non-practice is defined as any period of time applicant is not practicing medicine in California as define[d] in Business and Professions Code section 2051 and 2052 for at least forty (40) hours in a calendar month in direct patient care, clinical activity or teaching, or other activity as approved by the Board." Therefore, your work with mygeneticmd.com will not count toward your probationary period.

On February 25, 2014, respondent sent Ms. Hutchinson another email, asking for clarification.

Can you tell me if I have to be physically practicing in CA for the 40 hrs/month in order for the work to count toward my probationary period? If I have 40 hours/month of verifiable direct patient contact/care of California residing patients via telehealth, will that count? I understand my current work does not count as I do not currently have the CA patient base for 40 hours/month, but I am asking for the clarification to know if 40 hours/month of telehealth care of CA patients will count. Otherwise, I will obviously need to make plans to physically work there 40 hours/month before the 18 month period I have per my order.

On March 3, 2014, Ms. Hutchinson sent respondent an email providing the following clarification:

I have spoken with my manager regarding your work situation. Because we are not able to verify your California work while you are out of state, your telehealth work will not count toward your probation.

7. On June 23, 2014, Ms. Hutchinson sent respondent an email, providing him with a Semi-Annual Declaration for his completion, and a due date of July 10, 2014, for its return. On June 24, 2014, respondent wrote Ms. Hutchinson an email, confirming his completion of the Semi-Annual Declaration and having mailed it to the Board by certified mail. The Board received respondent's Semi-Annual Declaration on June 27, 2014, for the first half of 2014.

8. On December 12, 2014, Ms. Hutchinson sent respondent an email, requesting respondent complete the Semi-Annual Declaration and return it by January 10, 2015. On December 18, 2014, respondent sent Ms. Hutchinson an email, confirming his completion of the Semi-Annual Declaration and having mailed it to the Board. In addition, respondent informed Ms. Hutchinson:

I also wanted to let you know we have selected the site for our new office in San Diego and anticipate opening by April 2015. Of course I will let you know in writing at least 2 weeks prior to me starting work in CA.

9. On December 23, 2014, the Board received respondent's Semi-Annual Declaration for the second half of 2014.

10. On February 5, 2015, respondent sent an email to Ms. Hutchinson with additional questions, stating, in part:

I wanted to keep you updated about my relocation plans to California and inquire about my license renewal. We plan on signing the lease to the new office in the upcoming weeks and still plan on an opening date of around mid-May as we will need to do some build out. I wanted to confirm when my renewal/license expiry date was again so I know what is the absolute deadline for beginning practice at least 40 hours/month as per my probationary license agreement. I believe you said it's my birthdate, which would be June 25.

On February 5, 2015, Ms. Hutchinson responded by email, providing, in part:

Please advise when you move to California as well as when you start practicing here. Once you move here is when you will need to start complying with the Order. However, your probation time will not start running until you begin practicing 40 hours per month. Within 60 days of moving here, you will need to enroll in the Medical Record Keeping course and submit for prior approval a psychotherapist as per the Order.

On March 5, 2015, respondent sent another email to Ms. Hutchinson, stating, in part:

Sorry for the delay in responding to your last email, but I have been waiting for the lease of our new office to be signed to be able to accurately answer your question about my move and practice start dates. My employer is wrapping up negotiations on the terms of our San Diego office lease with the landlord, and barring any unforeseen circumstances we anticipate signing it by the end of March, after which we will need to do building permitting and buildout, and moving to California and starting to practice between June and July 2015. Once we have the lease signed and buildout permitting begun I will have a more concrete timeframe.

However, they and I are aware of my probation, and I wanted to get some clarification and confirmation of the non-practice clause of my probationary license so that I don't have any unforeseen licensing problems if my move date and practice start date are pushed back by a month or two. I was reviewing my probationary license terms yesterday and it said that I cannot have a non-practice period of more than 2 years from when my CA license is issued, which would be December 2015. I wanted to confirm that this is the case. In case anything falls through however, we have a contingency plan in place to sublet a smaller office so I can start practicing 40hrs/month in California so that I don't go beyond my non-practice timeframe. The new school year for my kids begins in Sep 2015 so we will definitely be moved and I will be practicing at least 40hrs/month by then given we don't want to move during the school year. But if you could please confirm that December 2015 is the deadline for the non-practice clause of my probationary license.

On March 5, 2015, Ms. Hutchinson responded to respondent by email, stating:

Per the term and condition #10 "Non-Practice While on Probation," you are required to comply with this condition of your probation and terms and conditions #6 "Obey All Laws" and #8 "General Probation Requirements." This includes informing me in writing of when you begin practicing and notifying me in writing of any address and phone number changes. Once you move to California, you will need to start complying with all terms and conditions of the probationary Order.

11. On June 25, 2015, the Board received respondent's Semi-Annual Declaration for the first half of 2015. On December 24, 2015, the Board received respondent's Semi-Annual Declaration for the second half of 2015.

12. Sometime after March 2015, Ms. Hutchinson left the employ of the Board. In January or February 2016, Christina Valencia, Management Services Technician, was assigned to monitor respondent's probationary license. Ms. Valencia had no prior experience in monitoring, but trained briefly under Ms. Hutchinson. On or about February 19, 2016, Ms. Valencia sent a letter to respondent's Herndon address, stating, in part:

Please be advised that time spent residing and/or practicing out-of-state will not apply to the reduction of your probationary time in California unless you are on probation and being monitored in the State you are practicing in. If you are on probation in another State, we will periodically contact your assigned

monitor to ensure you remain in compliance with the ordered conditions.

[¶] . . . [¶]

I will be in contact with you semi-annually to ensure we remain current on information and employment status. Your decision requires that you notify the Medical Board of California immediately in writing of any changes to your residence or business address and telephone numbers. Attached is a supply of Semi-Annual Declarations we will use to facilitate this contact. The Semi-Annual Declarations and any written correspondence can be directed to me at the address listed above.

13. On June 8, 2016, Ms. Valencia sent a letter to respondent's Herndon address, and an email to respondent, with the same letter attached. In the email, Ms. Valencia noted calling and leaving a message for respondent on his cellular and work telephone numbers. The letter stated:

I recently sent you a letter in February 2016, and you still have not responded to it. I realize that your next semi-annual declaration is due by July 10, 2016, but I need written confirmation of the status of your current situation. In your last correspondence with Ann Hutchinson, you stated that you could be moving to California and starting to practice between June and July of 2015. As of this date, there is no indication of this move. If you have or when you do moved [*sic*] to California, please contact me within 30 days prior to the date of return.

Your period of non-practice status while on probation has now exceeded the 18 calendar months and you will now be required to successfully complete a clinical training program that meets the criteria of Condition 18 of the current version of the Board's Manual of Model Disciplinary Orders and Disciplinary Guidelines, prior to resuming the practice of medicine in California.

You [*sic*] period of non-practice status while on probation has now exceeded two years, which is a violation of your California Probation Order. If at any time you were in an intensive training program, this period of time will not be considered as a period of non-practice. If so please provide dates and proof of attendance or completion.

On June 9, 2016, respondent sent an email to Ms. Valencia, with a Semi-Annual Declaration for the first half of 2016 attached. The email stated:

I received a message from our call center that you were trying to reach me. I'm not sure if it's for the semiannual declaration but I am attaching it and will mail it to you. I did send the one in December and hope you received it. I am also including my contact info below in case you need to reach me directly. I currently have no plans to move to CA but wish to maintain my licensure.

On June 14, 2016, respondent telephoned Ms. Valencia, wherein respondent informed Ms. Valencia he had no plans to move to California. Respondent asked Ms. Valencia if California would consider his out-of-state practice to meet the terms and conditions of probation. Ms. Valencia explained to respondent that the 18 months of non-practice and the two years of non-practice were defined as any period of time the applicant is not practicing medicine in California as defined in Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month as per Condition 10 of his Probation Order.

14. On June 17, 2016, the Board received respondent's Semi-Annual Declaration for the first half of 2016.

15. In March 2017, Ms. Valencia's supervisors, William Scherrard and Susan Huston, began a review of Ms. Valencia's case files. They discovered respondent's file; determined his conduct violated the Probation Decision and Order; and directed Ms. Valencia to take action, including sending a Non-Compliance Letter to respondent, writing a Probation Non-Compliance Report, and transferring the case to the Attorney General's Office for prosecution.

16. On May 8, 2017, Ms. Valencia sent respondent a Non-Compliance Letter, stating:

This letter is to notify you of your violation with the terms and conditions of your non-practice status while on probation with the Medical Board of California and your failure to submit a Semi-Annual Declaration.

1. On December 19, 2015, you exceed[ed] the two (2) years of non-practice while on probation.
2. On January 10, 2017, you failed to submit the Semi-Annual Declaration.

Please be advised that the Board has referred this matter for disciplinary action.

17. On May 17, 2016, respondent telephoned Ms. Valencia, wherein respondent told Ms. Valencia he had received the Non-Compliance Letter from the Board and he would be faxing his Semi-Annual Declaration immediately. Respondent asked what he could do to stop the case from being referred for disciplinary action. Ms. Valencia informed respondent that the decision was "out of her hands," and he could file a Petition for Early Termination of Probation. Also on May 17, 2017, the Board received a single Semi-Annual Declaration from respondent for both the second half of 2016 and the first half of 2017.

Petition to Revoke Probation

18. On August 17, 2017, complainant, in her official capacity, made and served the Petition to Revoke Probation against respondent, alleging respondent failed to timely submit quarterly reports and practice while on probation. On or about August 23, 2017, respondent filed a Notice of Defense. An evidentiary hearing followed, conducted before an administrative law judge, pursuant to Government Code section 11505.

Respondent's Testimony

19. Respondent is 40 years old. He is single and has two minor children who live with his ex-wife. Respondent lives in Herndon, Virginia. His ex-wife and children moved to southern California from Virginia in August 2017. Currently, respondent is practicing medicine with Persona Doctors in Vienna, Virginia. Respondent would like to move to southern California to be closer to his children.

20. Respondent expressed confusion and misunderstanding regarding the terms of his probation. He believes Ms. Hutchinson failed to give clear and unambiguous answers to his questions regarding non-practice and never provided a specific deadline for compliance. In addition, the Board failed to promptly notify him when he violated his probationary terms, so he might immediately correct his errors, or offer him assistance in complying.

21. Respondent admits he failed to actively communicate with the Board from March 5, 2015, until August 23, 2017, with the exception of filing his Semi-Annual Declarations on June 25, 2015, December 24, 2015, June 17, 2016, and May 17, 2017. Respondent apologized for his failures and mentioned personal issues, including his divorce in 2014 that distracted him from focusing on his licensure in California.

22. In August 2017, his ex-wife and children moved to southern California. He immediately secured part-time employment and housing, and moved to southern California too. He contacted the Board to provide his new California address and was informed by the Board he could not practice in California. He then moved back to Virginia. Respondent is anxious to move to California to be near his children. If he is unable to practice in California, he will be unable to move to California and unable to see his children.

23. Respondent believes he now understands his obligations under his probationary terms and is willing to comply. He understands he must complete a clinical

training program before he can practice in California, and he is willing to do so. He is also willing to remain on probation. He has a job offer and apartment in southern California; and his potential California employer is aware of his probationary license status.

Discussion

24. Effective December 18, 2013, respondent became subject to probationary terms and conditions detailed in the Decision and Order, Case No. 800-2013-000235. On January 2, 2014, respondent signed an Acknowledgement, indicating he understood the terms and conditions of his California probationary license. From December 18, 2013, through December 18, 2015, respondent failed to practice medicine in California; a violation of Condition 10 in the Decision and Order.

25. When respondent became confused about the terms and conditions of probation, he sought assistance from the Board; although his efforts were minimal, consisting of only four emails between February 20, 2014, and March 5, 2015. In addition, respondent's ever-changing residential plans contributed to confusion for the Board. In January 2014, respondent was not going to move to California. In December 2014, February and March 2015, he was going to move to California. In June 2016, he was not going to move to California, and in August 2017, he was moving to California. The Board was left guessing when, and if, respondent would begin his probation in California.

26. Respondent is a highly educated individual, who is capable of following the terms and conditions of probation. To date, his conduct makes him appear uninterested, unorganized, and neglectful. However, now, he is exceptionally motivated to be compliant with the Board, because his children reside in California; and to see his children, he must work in California.

27. A probationary license requires attention to detail and strict compliance with terms and conditions; a probationary license is under heightened scrutiny. Respondent must be more cognizant of that fact. While respondent has failed to adhere to the terms and conditions of his probation, his failures are not related to practice or harm to patients. In other words, his noncompliant conduct does not pose a risk to public safety. That said, respondent must now comply perfectly with the probationary terms and conditions or there is little hope for another chance to practice in California. With the proper attention and focus, respondent is capable of complying with probationary terms and conditions. As such, respondent must serve a three-year probationary period with the same terms and conditions in the Decision and Order, effective December 18, 2013; and because of his non-practice for more than 18 months, he must also complete a clinical competence assessment program that meets the criteria of Condition 18 of the current version of the Board's Manual of Model Disciplinary Orders and Disciplinary Guidelines, prior to resuming the practice of medicine in California.

LEGAL CONCLUSIONS

Petition to Revoke Probation

1. Effective December 19, 2015, respondent became subject to the probationary terms and conditions detailed in the Decision and Order, Case No. 800-2013-000235, including Condition 10, which states:

Applicant shall notify the Board or designee in writing within fifteen (15) calendar days of any periods of non-practice lasting more than thirty (30) calendar days and within fifteen (15) calendar days of applicant's return to practice. Non-practice is defined as any period of time applicant is not practicing medicine in California as define[d] in Business and Professions Code sections 2051 and 2052 for at least forty (40) hours in a calendar month in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All time spent in an intensive training program which has been approved by the Board or its designee shall not be considered non-practice. A Board-order[ed] suspension of practice shall not be considered as a period of non-practice.

Respondent shall obey all federal, state and local laws, all rules governing the practice of medicine in California and remain in full compliance with any court ordered criminal probation, payments, and other orders.

2. Based on the matters set forth in Factual Findings 3 through 27, respondent violated the Board's Decision and Order, Condition 10 – Non-Practice While on Probation, when he failed to practice in California for a period of more than two years. However, respondent's conduct was more confusion, disorganization, and failure to focus, than intentional malfeasance. Practice in California has become a necessity, because his minor children now live in California. If respondent firmly focuses on compliance with the Board's terms and conditions, he is capable of meeting his obligations; but respondent will not be given limitless opportunities to comply. He should take this opportunity as if it is his last.

3. Based on the matters set forth in Factual Findings 3, 4, 5, 16, and 17, respondent violated the Board's Decision and Order, Condition 7 – Quarterly Reports, when he failed to timely submit a Semi-Annual Declaration by January 10, 2017.

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ORDER

Physician's and Surgeon's Certificate No. C 128171 issued to respondent Joseph Parimal Gurralla, M.D. is REVOKED. However, the revocation is STAYED and respondent is placed on probation for three years, upon the terms and conditions as follows:

1. **Medical Record Keeping Course:** Within sixty (60) days of the effective date of this Decision, respondent shall enroll in a course in medical record keeping equivalent to the Medical Record Keeping Course offered by the Physicians Assessment and Clinical Education Program, University of California, San Diego School of Medicine (program), approved in advance by the Board or its designee. Respondent shall provide the Program with any information and documents that the Program may deem pertinent. Respondent shall participate in and successfully complete the classroom component of the course not later than six (6) months after respondent's initial enrollment. Respondent shall successfully complete any other component of the course within one (1) year of enrollment. The medical record keeping course shall be at the respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A medical record keeping course taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the course would have been approved by the Board or its designee had the course been taken after the effective date of this Decision.

Respondent shall submit a certification of successful completion to the Board or its designee not later than fifteen (15) calendar days after successfully completing the course, or not later than fifteen (15) calendar days after the effective date of the Decision, whichever is later.

2. **Psychotherapy:** Within sixty (60) calendar days of the effective date of this Decision, respondent shall submit to the Board or its designee for prior approval the name and qualifications of a California-licensed board-certified psychiatrist or a licensed psychologist who has a doctoral degree in psychology and at least five years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders. Upon approval, respondent shall undergo and continue psychotherapy treatment, including any modifications to the frequency of psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

The psychotherapist shall consider any information provided by the Board or its designee and any other information the psychotherapist deems relevant and shall furnish a written evaluation report to the Board or its designee. Respondent shall cooperate in providing the psychotherapist any information and documents that the psychotherapist may deem pertinent.

Respondent shall have the treating psychotherapist submit quarterly status reports to the Board or its designee. The Board or its designee may require respondent to undergo psychiatric evaluation by a Board-appointed board certified psychiatrist. If, prior to the

completion of probation, respondent is found to be mentally unfit to resume the practice of medicine without restrictions, the Board shall retain continuing jurisdiction over respondent's license and the period of probation shall be extended until the Board determines the respondent is mentally fit to resume the practice of medicine without restrictions.

Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

3. **Notification:** Prior to engaging in the practice of medicine, respondent shall provide a true copy of this Decision and Petition to Revoke Probation to the Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership are extended to respondent, at any other facility where respondent engages in the practice of medicine, including all physician and locum tenens registries or other similar agencies, and to the Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage to respondent. Respondent shall submit proof of compliance to the Board or its designee within fifteen (15) calendar days.

This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

4. **Supervision of Physician Assistants:** During probation, respondent is prohibited from supervising physician assistants.

5. **Obey All Laws:** Respondent shall obey all federal, state and local laws, all rules governing the practice of medicine in California and remain in full compliance with any court ordered criminal probation, payments, and other orders.

6. **Quarterly Declarations:** Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation. Respondent shall submit quarterly declarations not later than ten (10) calendar days after the end of the preceding quarter.

7. **General Probation Requirements:** Respondent shall comply with the Board's probation unit and all terms and conditions of this Decision.

a. **Address Changes:** Respondent shall, at all times, keep the Board informed of respondent's business and residence addresses, email address (if available), and telephone number. Changes of such addresses shall be immediately communicated in writing to the Board or its designee. Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code section 2021(b).

b. **Place of Practice:** Respondent shall not engage in the practice of medicine in his or any patient's place of residence, unless the patient resides in a skilled nursing facility or other similar licensed facility.

c. **License Renewal:** Respondent shall maintain a current and renewed California physician's and surgeon's license.

d. **Travel or Residence Outside California:** Respondent shall immediately inform the Board or its designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) calendar days.

In the event respondent should leave the State of California to reside or to practice, respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of departure and return.

8. **Interview with the Board or its Designee:** Respondent shall be available in person upon request for interviews either at respondent's place of business or at the probation unit office, with or without prior notice throughout the term of probation.

9. **Non-practice While on Probation:** Respondent shall notify the Board or its designee in writing within fifteen (15) calendar days of any periods of non-practice lasting more than thirty (30) calendar days and within fifteen (15) calendar days of respondent's return to practice. Non-practice is defined as any period of time respondent is not practicing medicine in California as defined in Business and Professions Code sections 2051 and 2052 for at least forty (40) hours in a calendar month in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All time spent in an intensive training program which has been approved by the Board or its designee shall not be considered non-practice. Practicing medicine in another state of the United States or federal jurisdiction while on probation with the medical licensing authority of that state or jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall not be considered as a period of non-practice.

In the event respondent's period of non-practice while on probation exceeds eighteen (18) calendar months, respondent shall successfully complete a clinical training program that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

Respondent's period of non-practice while on probation shall not exceed two (2) years.

Periods of non-practice will not apply to the reduction of the probationary term.

Periods of non-practice will relieve respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws and General Probation Requirements.

10. **Completion of Probation:** Respondent shall comply with all financial obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the

completion of probation. Upon successful completion of probation, respondent's certificate shall be fully restored.

11. **Violation of Probation:** Failure to fully comply with any term or condition of probation is a violation of probation. If respondent violates probation in any respect, the Board, after giving petitioner notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation or Petition to Revoke Probation is filed against petitioner during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

12. **License Surrender:** Following the effective date of this Decision, if respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy the terms and conditions of probation, respondent may request to surrender his license. The Board reserves the right to evaluate respondent's request and to exercise its discretion in determining whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, respondent shall within fifteen (15) calendar days deliver respondent's wallet and wall certificate to the Board or its designee and respondent shall no longer practice medicine. Respondent will no longer be subject to the terms and conditions of probation. If respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

13. **Probation Monitoring Costs:** Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Board or its designee no later than January 31 of each calendar year.

14. **Clinical Competence Assessment Program:** Within sixty (60) calendar days of the effective date of this Decision, respondent shall enroll in a clinical competence assessment program approved in advance by the Board or its designee. Respondent shall successfully complete the program not later than six (6) months after respondent's initial enrollment unless the Board or its designee agrees in writing to an extension of that time.

The program shall consist of a comprehensive assessment of respondent's physical and mental health and the six general domains of clinical competence as defined by the Accreditation Council on Graduate Medical Education and American Board of Medical Specialties pertaining to respondent's current or intended area of practice. The program shall take into account data obtained from the pre-assessment, self-report forms and interview, and the Decision(s), Accusation (s), and any other information that the Board or its designee deems relevant. The program shall require respondent's on-site participation for a minimum of 3 and no more than 5 days as determined by the program for the assessment and clinical education evaluation. Respondent shall pay all expenses associated with the clinical

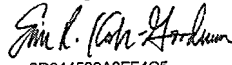
education evaluation. Respondent shall pay all expenses associated with the clinical competence assessment program.

At the end of the evaluation, the program will submit a report to the Board or its designee which unequivocally states whether the respondent has demonstrated the ability to practice safely and independently. Based on respondent's performance on the clinical competence assessment, the program will advise the Board or its designee of its recommendation(s) for the scope and length of any additional educational or clinical training, evaluation or treatment for any medical condition or psychological condition, or anything else affecting respondent's practice of medicine. Respondent shall comply with the program's recommendations.

Determination as to whether respondent successfully completed the clinical competence assessment program is solely within the program's jurisdiction.

Respondent shall not practice medicine until respondent has successfully completed the program and has been so notified by the Board of its designee in writing.

Dated: January 29, 2018

DocuSigned by:

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ERIN R. KOCH-GOODMAN
Administrative Law Judge
Office of Administrative Hearings

1 XAVIER BECERRA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 MIA PEREZ-ARROYO
Deputy Attorney General
4 State Bar No. 203178
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 322-0762
Facsimile: (916) 327-2247
7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Aug. 17 20 17
BY [Signature] ANALYST

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke
12 Probation Against,

Case No. 800-2017-032908

13 **JOSEPH PARIMAL GURRALA, M.D.**
14 **13156 Ruby Lace Ct.**
Herndon, VA 20171

PETITION TO REVOKE PROBATION

15 **Physician's and Surgeon's Certificate No.**
16 **No. C 128171**

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Kimberly Kirchmeyer (Complainant) brings this Petition to Revoke Probation solely
22 in her official capacity as the Executive Director of the Medical Board of California, Department
23 of Consumer Affairs.

24 2. On or about December 19, 2013, the Medical Board of California issued Physician's
25 and Surgeon's Certificate No. C 128171 to Joseph Parimal Gurralla, M.D. (Respondent). The
26 Physician's and Surgeon's Certificate No. C 128171 was in effect at all times relevant to the
27 charges brought herein and will expire on June 30, 2019, unless renewed.

28 ///

1 board of its authority to institute or continue a proceeding against the applicant for the denial of
2 the license upon any ground provided by law or to enter an order denying the license upon any
3 such ground.

4 "(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a
5 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by
6 order of a court of law, or its surrender without the written consent of the board, shall not, during
7 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
8 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
9 provided by law or to enter an order suspending or revoking the license or otherwise taking
10 disciplinary action against the licensee on any such ground.

11 "(c) As used in this section, 'board' includes an individual who is authorized by any
12 provision of this code to issue, suspend, or revoke a license, and 'license' includes 'certificate,'
13 'registration,' and 'permit.'"

14 FIRST CAUSE TO REVOKE PROBATION

15 (Quarterly Declarations)

16 7. At all times after the effective date of Respondent's probation, Condition 7 stated:
17 Applicant shall submit quarterly declarations under penalty of perjury on forms provided by
18 the Board, stating whether there has been compliance with all conditions of probation.

19 8. Respondent's probation is subject to revocation because he failed to comply with
20 Probation Condition 7, referenced above. The facts and circumstances regarding this violation
21 are as follows:

22 A. On or about February 19, 2016, Respondent was provided with Quarterly
23 Declaration forms. Respondent failed to submit his semi-annual declaration for the period of July
24 1, 2016, through December 31, 2016, by the deadline of January 10, 2017.

25 B. On or about May 8, 2017, a non-compliance letter was sent to Respondent notifying
26 him of the violation of this condition. On or about May 17, 2017, the Board received an emailed
27 copy of Respondent's semi-annual declaration for the reporting period of July 1, 2016, through
28 December 31, 2016.

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1 C. On or about February 15, 2016, Respondent sent his probation monitor an email
2 stating that he intended to return to California in May or June of 2016 to practice medicine.

3 D. On or about February 16, 2016, Respondent's probation monitor sent him a letter
4 explaining that all time residing and/or practicing out of state would not apply to the reduction
5 of his probationary time in California.

6 E. On or about June 8, 2016, a second letter was sent to Respondent regarding his
7 previous correspondence in which he stated that he would be moving to California to practice
8 medicine sometime between April and July of 2015. The probation monitor requested written
9 notification of the status of Respondent's situation, and to contact the Board within thirty days
10 prior to Respondent's date of return to the state. Respondent was also informed that he would
11 be required to successfully complete a clinical training program meeting the requirements of
12 Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and
13 Disciplinary Guidelines" prior to resuming the practice of medicine in California as a result of
14 his period of non-practice exceeding eighteen months.

15 F. On or about June 14, 2016, Respondent informed his probation monitor that
16 he had no plans to return to practice medicine in the state of California.

17 G. On or about December 19, 2016, Respondent exceeded two years of nonpractice
18 while on probation.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking the probation that was granted by the Medical Board of California in Case No. 800-2013-000235;

2. Revoking or suspending Physician's and Surgeon's Certificate No. C 128171, issued to Respondent Joseph Parimal Gurralla, M.D.;

3. Revoking, suspending or denying approval of Joseph Parimal Gurralla, M.D.'s authority to supervise physician assistants and advanced practice nurses;

4. Ordering Respondent Joseph Parimal Gurralla, M.D. to pay the Medical Board of California the costs of probation monitoring if placed on probation; and

5. Taking such other and further action as deemed necessary and proper.

DATED: AUGUST 17, 2017


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

SA2017304696

Exhibit A

Decision and Order

Medical Board of California Case No. 800-2013-000235

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Application of:)	File No. 800-2013-000235
)	
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)	
JOSEPH PARIMAL GURRALA)	
)	
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)	
Applicant.)	
_____)	


DECISION AND ORDER

The attached Stipulation for a Probationary License is hereby accepted and adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on **December 18, 2013**, although the probation will not commence until the applicant completes any remaining requirements for licensure and the license is issued.

ORDERED: December 11, 2013.

MEDICAL BOARD OF CALIFORNIA

By: 
Barbara Yaroslavsky, Chair
Panel A

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Application of:)	Case No. 800-2013-000235
)	
JOSEPH PARIMAL GURRALA)	
)	STIPULATION FOR A
)	PROBATIONARY LICENSE
For a Physician's and Surgeon's License)	
_____)	

1) Joseph Parimal Gurrula, applicant for a physician's and surgeon's license (hereinafter "applicant"), and Curtis J. Worden, Chief of Licensing of the Medical Board of California, hereby stipulate as follows:

2) Applicant has satisfactorily met all of the requirements for medical licensure in California.

3) On October 5, 2012, applicant submitted an application for a Physician's and Surgeon's License in the state of California. Applicant disclosed he resigned from postgraduate training, was disciplined or placed under investigation and incidents were filed by instructors. Applicant also disclosed he has been charged with unprofessional conduct by a medical licensing board, other agency or hospital and has had a medical license subjected to action.

4) Section 480 (a) of the Business and Professions Code states the board may deny a license on the grounds that the applicant has one of the following: Section 480 (a)(2) Done any act involving dishonesty with the intent to substantially benefit himself and Section 480 (a)(3)(A) Done any act that if done by a licensee of the business or profession in question, would be grounds for suspension or revocation of license. Section 2234 of the Business and Professions Code states that the Board may take action for unprofessional conduct. Section 2266 of the Business and Professions Code states the failure of a physician to maintain adequate and accurate records constitutes unprofessional conduct. Section 2305 of the Business and Professions Code states the revocation, suspension or other discipline, restriction or limitation imposed by another state upon a license to practice medicine shall constitute grounds for disciplinary action for unprofessional conduct. In conjunction with Section 141 of the Business and Professions Code states a disciplinary action taken by another state for any act substantially related to the practice may be grounds for disciplinary action.

The above support a conclusion that grounds exist for denial pursuant to Sections 480 (a)(2), 480 (a)(3)(A), 2234, 2266, 2305, in conjunction with 141 of the Business and Professions Code.

- 5) Under Section 2221 of the Business and Professions Code, the Medical Board of California (Board) may deny a license to an applicant because of unprofessional conduct. Alternatively, the Board has the discretionary authority to issue a probationary license with terms and conditions.
- 6) Applicant acknowledges he has a right to request a Statement of Issues and a hearing upon denial of license for cause. Applicant waives notice of hearing and judicial review in favor of this Stipulation for a Probationary License, which is subject to approval by the Board. If not approved, this Stipulation is null and void and may not be used for any purpose.
- 7) This Stipulation for a Probationary License shall be subject to approval by the Medical Board of California. Applicant understands and agrees that counsel for the staff of the Medical Board of California may communicate directly with the Board regarding this proposed Stipulation, without notice to or participation by applicant or his counsel. By signing the Stipulation, applicant understands and agrees that he may not withdraw this agreement or seek to rescind the Stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this Stipulation, the offer of a Stipulation for a Probationary License shall be of no force or effect; except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

The staff recommends to the Board that a Probationary License be issued as follows:

ORDER

IT IS ORDERED THAT JOSEPH PARIMAL GURRALA, applicant, be issued a Physician's and Surgeon's License on a probationary basis, subject to the following terms and conditions:

- 1) Applicant is placed on probation for a period of three (3) years. Probation shall begin on the date the applicant is issued a probationary license.
- 2) MEDICAL RECORD KEEPING COURSE. Within sixty (60) days of the effective date of this Decision, applicant shall enroll in a course in medical record keeping equivalent to the Medical Record Keeping Course offered by the Physician Assessment and Clinical Education Program, University of California, San Diego School of Medicine (Program), approved in advance by the Board or its designee. Applicant shall provide the program with any information and documents that the Program may deem pertinent. Applicant shall participate in and successfully complete the classroom component of the course not later than six (6) months after applicant's initial enrollment. Applicant shall successfully complete any other component of the course within one (1) year of enrollment. The medical record keeping course shall be at applicant's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A medical record keeping course taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the course would have been approved by the Board or its designee had the course been taken after the effective date of this Decision.

Applicant shall submit a certification of successful completion to the Board or its designee not later than fifteen (15) calendar days after successfully completing the course, or not later than fifteen (15) calendar days after the effective date of the Decision, whichever is later.

3) PSYCHOTHERAPY. Within sixty (60) days of the effective date of this Decision, applicant shall submit to the Board or its designee for prior approval the name and qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who has a doctoral degree in psychology and at least five years of postgraduate experience in the diagnosis and treatment of emotional mental disorders. Upon approval, applicant shall undergo and continue psychotherapy treatment, including any modifications to the frequency of psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

The psychotherapist shall consider any information provided by the Board or its designee and any other information the psychotherapist deems relevant and shall furnish a written evaluation report to the Board or its designee. Applicant shall cooperate in providing the psychotherapist any information and documents that the psychotherapist may deem pertinent.

Applicant shall have the treating psychotherapist submit quarterly status reports to the Board or its designee. The Board or its designee may require applicant to undergo psychiatric evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of probation, applicant is found to be mentally unfit to resume the practice of medicine without restrictions, the Board shall retain continuing jurisdiction over applicant's license and the period of probation shall be extended until the Board determines the applicant is mentally fit to resume the practice of medicine without restrictions.

Applicant shall pay the cost of all psychotherapy and psychiatric evaluations.

4) NOTIFICATION. Prior to engaging in the practice of medicine, applicant shall provide a true copy of the Stipulation to the Chief of Staff or the Chief Executive Officer at

every hospital where privileges or membership are extended to applicant, at any other facility where applicant engages in the practice of medicine, including all physician and locum tenens registries or other similar agencies, and to the Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage to applicant. Applicant shall submit proof of compliance to the Board or its designee within fifteen (15) calendar days.

5) SUPERVISION OF PHYSICIAN ASSISTANTS. During probation, applicant is prohibited from supervising physician assistants.

6) OBEY ALL LAWS. Applicant shall obey all federal, state and local laws, and all rules governing the practice of medicine in California and remain in full compliance with any court ordered criminal probation, payments, and other orders.

7) QUARTERLY DECLARATIONS. Applicant shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all conditions of probation.

Applicant shall submit quarterly declarations not later than ten (10) calendar days after the end of the preceding quarter.

8) GENERAL PROBATION REQUIREMENTS. Applicant shall comply with the Board's probation unit and all terms and conditions of this decision.

Applicant shall, at all times, keep the Board informed of his business and residence addresses, email address (if available), and telephone number. Changes of such addresses shall be immediately communicated in writing to the Board or its designee.

Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code Section 2021(b).

Applicant shall not engage in the practice of medicine in applicant's or patient's place of residence, unless the patient resides in a skilled nursing facility or other similar licensed facility.

Applicant shall maintain a current and renewed California physician's and surgeon's probationary license.

Applicant shall immediately inform the Board or its designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) calendar days.

In the event applicant should leave the State of California to reside or to practice, applicant shall notify the Board or its designee in writing thirty (30) calendar days prior to the dates of departure and return.

9) INTERVIEW WITH BOARD OR ITS DESIGNEE. Applicant shall be available in person for interviews either at applicant's place of business or at the probation unit office, with or without prior notice throughout the term of probation.

10) NON-PRACTICE WHILE ON PROBATION. Applicant shall notify the Board or designee in writing within fifteen (15) calendar days of any periods of non-practice lasting more than thirty (30) calendar days and within fifteen (15) calendar days of applicant's return to practice. Non-practice is defined as any period of time applicant is not practicing

medicine in California as define in Business and Professions Code sections 2051 and 2052 for at least forty (40) hours in a calendar month in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All time spent in an intensive training program which has been approved by the Board or its designee shall not be considered non-practice. A Board-order suspension of practice shall not be considered as a period of non-practice.

In the event applicant's period of non-practice while on probation exceeds eighteen (18) calendar months, applicant shall successfully complete a clinical training program that meets the criteria of Condition 18 of the current version of the Board's Manual of Model Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

Applicant's period of non-practice while on probation shall not exceed two (2) years.

Periods of non-practice will not apply to the reduction of the probationary term.

Periods of non-practice will relieve respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws and General Probation Requirements.

11) COMPLETION OF PROBATION. Applicant shall comply with all financial obligations (e.g. restitution, probation costs) not later than 120 calendar days prior to the completion of probation. Upon successful completion of probation, applicant's certificate shall be fully restored.

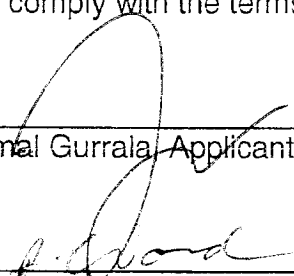
12) VIOLATION OF PROBATION. Failure to fully comply with any term or condition of probation is a violation of probation. If applicant violates probation in any respect, the Board, after giving applicant notice and the opportunity to be heard, may revoke probation and terminate the probationary license. If an Accusation or Petition to Revoke Probation is filed against applicant during probation, the Board or its designee shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

13) LICENSE SURRENDER. Following the effective date of this Stipulation, if applicant ceases practicing due to retirement or health reasons or is otherwise unable to satisfy the terms and conditions of probation, applicant may request to surrender his or her license. The Board reserves the right to evaluate respondent's request and to exercise its

discretion in determining whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, applicant shall within fifteen (15) calendar days deliver applicant's wallet and wall certificate to the Board or its designee and applicant shall no longer practice medicine. Applicant will no longer be subject to the terms and conditions of probation. If respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

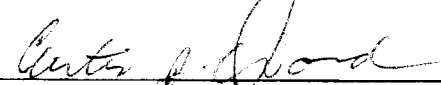
14) PROBATION MONITORING COSTS. Applicant shall pay all costs associated with probation monitoring each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Board or its designee no later than January 31 of each calendar year.

Applicant agrees to comply with the terms and conditions of the above Order.



Joseph Parimal Gurrula, Applicant

10/15/13
Date



Curtis J. Worden, Chief of Licensing

11-5-2013
Date